

FILED
U. S. DISTRICT COURT
EASTERN DISTRICT ARKANSAS

JAN 25 2021

FORM TO BE USED BY PRISONERS IN FILING A COMPLAINT UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. § 1983
By: JAMES W. MCCORMACK, CLERK
DEP CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS
DIVISION

CASE NO. 4:21-cv-63-LPR-JJV

Jury Trial: ☒ Yes ☐ No
(Check One)

I. Parties

In item A below, place your full name in the first blank and place your present address in the second blank. Do the same for additional plaintiffs, if any.

- A. Name of plaintiff: William Joseph Newman
ADC # 651574 Pope county detention center # 56565
Address: #3 Emergency Lane Russellville, AR 72801
- Name of plaintiff: Schany A. Mitchell
ADC # 153261 Pope county Det. Center # 53725
Address: #3 Emergency Lane Russellville AR 72801
- Name of plaintiff: _____
ADC # _____
Address: _____

In item B below, place the full name of the defendant in the first blank, his official position in the second blank, his place of employment in the third blank, and his address in the fourth blank.

- B. Name of defendant: Turn Key Health Services
Position: Pope County Inmate Health Care
Place of employment: Pope County Detention Center
Address: #3 Emergency Lane Russellville, AR 72801
- Name of defendant: Rowdy Sweet
Position: Captain of Pope County Detention

This case assigned to District Judge Rudofsky
and to Magistrate Judge Volpe

Place of employment: Pope County Detention Center
#3 Emergency Lane
Address: Russellville, AR 72801

Name of defendant: Shane Jones

Position: Jail administration

Place of employment: Pope county detention center

Address: #3 Emergency Lane Russellville, AR

Name of defendant: Blake Wilson

Position: Jail administration

Place of employment: Pope county Detention center

Address: # 3 Emergency Lane RSVL, AR 72801

II. Are you suing the defendants in:

- ☐ official capacity only
☐ personal capacity only
☒ both official and personal capacity

III. Previous lawsuits

- A. Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action?

Yes ___ No X

- B. If your answer to A is yes, describe the lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline.)

- ☐ Parties to the previous lawsuit:

Plaintiffs: _____

Defendants: _____

☐ Court (if federal court, name the district; if state court, name the county): _____

☐ Docket Number: _____

☐ Name of judge to whom case was assigned: _____

☐ Disposition: (for example: Was the case dismissed? Was it appealed? Is it still pending?) _____

☐ Approximate date of filing lawsuit: _____

☐ Approximate date of disposition: _____

IV. Place of present confinement: Pope County Detention Center
#3 Emergency Lane Russellville, AR 72801

V. At the time of the alleged incident(s), were you:
(check appropriate blank)

_____ in jail and still awaiting trial on pending criminal charges

_____ serving a sentence as a result of a judgment of conviction

☒ in jail for other reasons (e.g., alleged probation violation, etc.)
explain: (90) short term parole violation, pending
charge of Delivery of controlled sub.

VI. The Prison Litigation Reform Act (PLRA), 42 U.S.C. § 1997e, requires complete exhaustion of administrative remedies of all claims asserted, prior to the filing of a lawsuit. There is a prisoner grievance procedure in the Arkansas Department of Correction, and in several county jails. Failure to complete the exhaustion process provided as to each of the claims asserted in this complaint may result in the dismissal without prejudice of all the claims raised in this complaint.

A. Did you file a grievance or grievances presenting the facts set forth in this complaint?

Yes ☒ No _____

B. Did you completely exhaust the grievance(s) by appealing to all levels within the grievance procedure? yes, multiple times.

Yes ☒ No ☐

If not, why? _____

VII. Statement of claim

State here (as briefly as possible) the facts of your case. Describe how each defendant is involved. Include also the names of other persons involved, dates, and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. (Use as much space as you need. Attach extra sheets if necessary.)

As of December of 2020 there was a massive outbreak of Covid-19 in pope county detention around December 28th 2020 I began to display symptoms of Covid 19. I began to submit the sick call forms on 01/01/2021. At the time I was exhibiting all symptoms of covid-19. After I put sick call I was evaluated, given medication (clonidine 0.1mg) because of elevated blood pressure along with numerous other medications that was explained to me as the "Covid protocol" all this was done without a covid 19 (cont)

(Cont from pg 7)

test. After 1 or 2 days the medication I was being given stopped. I was told that Covid protocol medication changed and I was to be billed for another sick call. I put in another sick call explaining my symptoms and requested to be tested for Covid (which was denied) I was given more unknown medication for approx 7 days. From January 1st 2021 to January 4th 2021 I put in 4 sick call requests complaining of Covid symptoms. I requested repeated a Covid test, and was denied all times. During my sick call request evaluation the nurse forged my medical documents. She documented a body temperature reading of 98.7 when she never even put a thermometer anywhere near me. After forging these documents she then ~~diagnosed~~ diagnosed me with an upper respiratory infection. I again asked to be tested for Covid because I had headaches, fatigue, vomiting and I believe a fever. I was denied a Covid test once again. As of the filing of these documents I still have not been tested for Covid. I have been housed with

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multiple inmates who have tested positive for Covid officially as well as countless others who are displaying symptoms but the detention center refuses to address this issue. I don't know why medical here as well as jail administrators are covering up the fact that probably every inmate in here has Covid. We are being refused Covid tests and proper medical care the nurse in medical forged medical documents as far as my vital signs. This should have been seen on the jail surveillance cameras. She never touched me with any sort of thermometer yet she recorded a temp reading. I've exhausted all grievance and request procedures. I have asked Jail administrator Rowdy Sweet to look into this situation and he refuses to look into the situation. There is numerous requests from my family and through the jail kiosk. I've used every available remedy available to me, on multiple occasions, in attempt to get proper medical treatment and a Covid test. I am in a open pod with no type of way to social distant. I am not able to even buy a mask nor am I provided a mask. This is deliberate exposure to a contagious disease,

7(D)

I have asked the jail administrator to look into the situation only to no avail.

Also I was directly mislead into believing that sick call visits covid related VIA "The Kiosk" pope county detention center inmate information center by captain Sweet were indeed Not to be billed. I was billed after ~~be~~ displaying symptoms of covid and complaining. I am also in fear of direct retaliation of Captain Sweet for filing this lawsuit. I was previously "interviewed" in capt sweets presence in 2018 over a dislocated thumb and made very aware that things can be made real difficult for me around here

William Newman

The sick call requests are unobtainable by myself. Jail administration says they don't have to give me printouts of requests or grievances. The grievance and request reference numbers are below.

Sick Call Ref #	date	Grievance ref #	date
# 7904364	01/01/2021	# 7857920	12/25/2020
# 7905598	01/01/2021	# 7904998	01/01/2021
# 7912154	01/02/2021	# 7918893	01/04/2021
# 7925816	01/04/2021	# 7973263	01/11/2021

1-20-21

I John Mitchell ADC# 133261 Inmate of Pope County Det. Center Since Dec 30, 2020 till currently and even earlier the past year have been locked up and my rights being violated due to the covid 19 exposure & no way of social distancing & lack of testing and medical care have been subject to covid by other inmates & refused any medical test or preventive measures. We have beds as a length apart from each other & no mask or measures to protect ourselves. We cannot even by mask or make our own is considered contraband. I've never even been tested by temperature or any other form. I believe this is a violation of my civil rights and should be investigated and justice be done. I should not be subject to the pandemic due to allegations of a crime I'm not convicted of.

We currently have 24 inmates in a Pod that is no way allowing ~~us~~ us social distancing and no vaccine has been offered to us at all. The ones diagnosed with covid were only given aspirin & vitamins and were fed from foam trays to prevent the spread of covid.

Pope county states their have been no cases of covid on the kiosk and no one will be charged for covid testing or diagnosis. But yet local news has shown guards and inmates have been tested positive for the covid.

Even have released inmates due to covid. A exposure I feel my life is in danger from current exposure from the facilities I'm being held at and no medical services are enforced to safely house all the inmates in the facility. If investigated it can be proven there is not any ~~one~~ plausible way we can social distance or anyway we can protect ourselves. But yet guards have mask and gloves and antibacterial soaps & sanitizers to protect themselves. We can't even get clean silverware and glasses to use daily I've had the same utensils since I've been incarcerated. We gotta use bathroom sinks for clean drinking water and cleaning our utensils which is arm reach away from showers and urinals and toilets with the floors constantly wet with a fan blowing over them day and night circulating the wet moist air through out the pod.

It doesn't matter where we are housed in the facility the conditions are no better. We are all sharing clothes blanket, underwear, socks and allowed to change every other day.

I'm ~~being~~ held for crimes I've not been convicted ~~on~~ on and being violated my rights everyday I'm being held. I feel I'm wrongful being subject to poor health conditions and I should be compensated for such. Please look into my concerns and health violations Thank You.

VIII. Relief

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

I would like to be moved to a near by jail away from threats of retaliation.
I would like to be housed in a facility w/ proper medical,
in a environment where medical needs are taken serious
\$1000 per day for everyday of denied medical treatment
and intentional exposure to covid 19, in a
threatening environment

I declare under penalty of perjury (18 U.S.C. § 1621) that the foregoing is true and correct.

Executed on this 20th day of January, 2020.

William J Newman
John Mitchell

Signature(s) of plaintiff(s)

William J Newman # 56565
3 Emergency Lane
Russellville, AR 72802

1700 660310721

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72201-339919

